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3 **NOT FOR CITATION**

4
5 **UNITED STATES DISTRICT COURT**
6
7 **NORTHERN DISTRICT OF CALIFORNIA**

8 DANIEL JAMES BARTOSH,

9 Plaintiff,

No. C 05-4164 PJH (PR)

10 v.

ORDER OF DISMISSAL

11 RICHARD J. KIRKLAND, Warden,
12 Pelican Bay State Prison,

13 Defendant.
14 _____/

15 Plaintiff, an inmate at Pelican Bay State Prison, filed a pro se civil rights complaint
16 under 42 U.S.C. § 1983, and requested leave to proceed in forma pauperis. He has now
17 filed two motions to withdraw the complaint, saying that he intends to proceed in state court
18 instead. He also asks to "withdraw" the request to proceed in forma pauperis. The motions
19 are voluntary dismissals of the case, for which he does not need the court's permission.
20 See Fed. R.Civ.P. 41(a)(1).

21 Plaintiff has voluntarily dismissed this case. His motions (docs 3 & 4) are **DENIED**
22 as unnecessary. His request to proceed in forma pauperis (doc 2) is **DENIED**. No fee is
23 due. The clerk shall close the file.

24 **IT IS SO ORDERED.**

25
26 Dated: April 13, 2006.



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PHYLLIS J. HAMILTON
United States District Judge